

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CIVIL ACTION NO. 1:12cv0441 (WOB-SKB)

**JAMES PRATER**

**PETITIONER**

**VS.**

**ORDER**

**WARDEN, CHILLICOTHE  
CORRECTIONAL INSTITUTION**

**RESPONDENT**

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge (Doc. #13), and there being no objections filed thereto, and the Court being sufficiently advised,

**IT IS ORDERED** that the Report and Recommendation be, and it hereby is, **adopted** as the findings of fact and conclusions of law of this Court; that the respondent's motion to dismiss (Doc. #9) be, and it hereby is, **granted**; and that the petition for writ of habeas corpus, pursuant to 28 U.S.C. Section 2254, is hereby **dismissed, with prejudice**, on the ground that it is time-barred under 28 U.S.C. Section 2244(d). A separate Judgment shall enter concurrently herewith.

This 4th day of March, 2013.



**Signed By:**

**William O. Bertelsman WOB**  
**United States District Judge**

